

ENTERED

February 04, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DANNY RICHARD RIVERS,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:19-CV-226

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation (M&R), entered on January 1, 2020. (D.E. 16). The M&R recommends that the Court grant Respondent's amended motion for summary judgment (D.E. 12) and that Petitioner's § 2254 petition be denied. It is further recommended that a Certificate of Appealability be denied and Respondent's original motion for summary judgment (D.E. 10) be denied as moot.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No timely objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate

Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 16). Accordingly, Respondent's original motion for summary judgment (D.E. 12) is **GRANTED**, and Petitioner's § 2254 petition is denied. Respondent's original motion for summary judgment is **DENIED as moot**. (D.E. 10). The Certificate of Appealability is also hereby **DENIED**.

SIGNED and ORDERED this 4th day of February 2020.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE